

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 333 be amended to read as follows:

- 1 Page 37, between lines 22 and 23, begin a new paragraph and insert:
- 2 "SECTION 53. IC 4-33-9-15 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 15. (a) All tokens,
- 4 chips, or electronic cards that are used to make wagers must be
- 5 purchased from the owner of the riverboat:
- 6 (1) while on board the riverboat; or
- 7 (2) at an on-shore facility that:
- 8 (A) has been approved by the commission; and
- 9 (B) is located where the riverboat docks.
- 10 (b) The tokens, chips, or electronic cards may be purchased by
- 11 means of an agreement under which the owner extends credit to the
- 12 patron.
- 13 **(c) A licensed owner may not seek treble damages in an action**
- 14 **to collect a gambling debt incurred under this section."**
- 15 Page 37, between lines 36 and 37, begin a new paragraph and insert:
- 16 "SECTION 55. IC 4-33-10-1 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) A person who
- 18 knowingly or intentionally:
- 19 (1) makes a false statement on an application submitted under this
- 20 article;
- 21 (2) operates a ~~gambling excursion~~ **riverboat** in which wagering
- 22 is conducted or is to be conducted in a manner other than the
- 23 manner required under this article;
- 24 (3) permits a person less than twenty-one (21) years of age to

1 make a wager;

2 (4) wagers or accepts a wager at a location other than a riverboat;

3 or

4 (5) makes a false statement on an application submitted to the
5 commission under this article; or

6 **(6) aids, induces, or causes a person less than twenty-one (21)**
7 **years of age who is not an employee of the riverboat gambling**
8 **operation to enter or attempt to enter a riverboat;**

9 commits a Class A misdemeanor.

10 **(b) A person who:**

11 **(1) is not an employee of the riverboat operation;**

12 **(2) is less than twenty-one (21) years of age; and**

13 **(3) knowingly or intentionally enters or attempts to enter a**
14 **riverboat;**

15 **commits a Class A misdemeanor."**

16 Page 47, between lines 31 and 32, begin a new paragraph and insert:

17 "SECTION 67. IC 5-14-3-4, AS AMENDED BY P.L.201-2001,
18 SECTION 1, AND AS AMENDED BY P.L.271-2001, SECTION 1, IS
19 AMENDED AND CORRECTED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) The following public records
21 are excepted from section 3 of this chapter and may not be disclosed by
22 a public agency, unless access to the records is specifically required by
23 a state or federal statute or is ordered by a court under the rules of
24 discovery:

25 (1) Those declared confidential by state statute.

26 (2) Those declared confidential by rule adopted by a public
27 agency under specific authority to classify public records as
28 confidential granted to the public agency by statute.

29 (3) Those required to be kept confidential by federal law.

30 (4) Records containing trade secrets.

31 (5) Confidential financial information obtained, upon request,
32 from a person. However, this does not include information that is
33 filed with or received by a public agency pursuant to state statute.

34 (6) Information concerning research, including actual research
35 documents, conducted under the auspices of an institution of
36 higher education, including information:

37 (A) concerning any negotiations made with respect to the
38 research; and

39 (B) received from another party involved in the research.

40 (7) Grade transcripts and license examination scores obtained as
41 part of a licensure process.

42 (8) Those declared confidential by or under rules adopted by the
43 supreme court of Indiana.

44 (9) Patient medical records and charts created by a provider,
45 unless the patient gives written consent under IC 16-39.

46 (10) Application information declared confidential by the

twenty-first century research and technology fund board under IC 4-4-5.1.

(11) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Social Security number.

(C) Address.

~~(12)~~ *(12) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.*

(13) Information submitted to the Indiana gaming commission under IC 4-33-8-5.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of his scores.

(5) The following:

(A) Records relating to negotiations between the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the

- 1 department of commerce shall certify that the information
2 being disclosed accurately and completely represents the terms
3 of the final offer.
- 4 (6) Records that are intra-agency or interagency advisory or
5 deliberative material, including material developed by a private
6 contractor under a contract with a public agency, that are
7 expressions of opinion or are of a speculative nature, and that are
8 communicated for the purpose of decision making.
- 9 (7) Diaries, journals, or other personal notes serving as the
10 functional equivalent of a diary or journal.
- 11 (8) Personnel files of public employees and files of applicants for
12 public employment, except for:
- 13 (A) the name, compensation, job title, business address,
14 business telephone number, job description, education and
15 training background, previous work experience, or dates of
16 first and last employment of present or former officers or
17 employees of the agency;
- 18 (B) information relating to the status of any formal charges
19 against the employee; and
- 20 (C) information concerning disciplinary actions in which final
21 action has been taken and that resulted in the employee being
22 disciplined or discharged.
- 23 However, all personnel file information shall be made available
24 to the affected employee or his representative. This subdivision
25 does not apply to disclosure of personnel information generally on
26 all employees or for groups of employees without the request
27 being particularized by employee name.
- 28 (9) Minutes or records of hospital medical staff meetings.
- 29 (10) Administrative or technical information that would
30 jeopardize a recordkeeping or security system.
- 31 (11) Computer programs, computer codes, computer filing
32 systems, and other software that are owned by the public agency
33 or entrusted to it and portions of electronic maps entrusted to a
34 public agency by a utility.
- 35 (12) Records specifically prepared for discussion or developed
36 during discussion in an executive session under IC 5-14-1.5-6.1.
37 However, this subdivision does not apply to that information
38 required to be available for inspection and copying under
39 subdivision (8).
- 40 (13) The work product of the legislative services agency under
41 personnel rules approved by the legislative council.
- 42 (14) The work product of individual members and the partisan
43 staffs of the general assembly.
- 44 (15) The identity of a donor of a gift made to a public agency if:
- 45 (A) the donor requires nondisclosure of his identity as a
46 condition of making the gift; or

- 1 (B) after the gift is made, the donor or a member of the donor's
 2 family requests nondisclosure.
- 3 (16) Library or archival records:
- 4 (A) which can be used to identify any library patron; or
- 5 (B) deposited with or acquired by a library upon a condition
 6 that the records be disclosed only:
- 7 (i) to qualified researchers;
- 8 (ii) after the passing of a period of years that is specified in
 9 the documents under which the deposit or acquisition is
 10 made; or
- 11 (iii) after the death of persons specified at the time of the
 12 acquisition or deposit.
- 13 However, nothing in this subdivision shall limit or affect
 14 contracts entered into by the Indiana state library pursuant to
 15 IC 4-1-6-8.
- 16 (17) The identity of any person who contacts the bureau of motor
 17 vehicles concerning the ability of a driver to operate a motor
 18 vehicle safely and the medical records and evaluations made by
 19 the bureau of motor vehicles staff or members of the driver
 20 licensing advisory committee. However, upon written request to
 21 the commissioner of the bureau of motor vehicles, the driver must
 22 be given copies of the driver's medical records and evaluations
 23 that concern the driver.
- 24 (18) School safety and security measures, plans, and systems,
 25 including emergency preparedness plans developed under 511
 26 IAC 6.1-2-2.5.
- 27 (c) Notwithstanding section 3 of this chapter, a public agency is not
 28 required to create or provide copies of lists of names and addresses,
 29 unless the public agency is required to publish such lists and
 30 disseminate them to the public pursuant to statute. However, if a public
 31 agency has created a list of names and addresses, it must permit a
 32 person to inspect and make memoranda abstracts from the lists unless
 33 access to the lists is prohibited by law. The following lists of names and
 34 addresses may not be disclosed by public agencies to commercial
 35 entities for commercial purposes and may not be used by commercial
 36 entities for commercial purposes:
- 37 (1) A list of employees of a public agency.
- 38 (2) A list of persons attending conferences or meetings at a state
 39 institution of higher education or of persons involved in programs
 40 or activities conducted or supervised by the state institution of
 41 higher education.
- 42 (3) A list of students who are enrolled in a public school
 43 corporation if the governing body of the public school corporation
 44 adopts a policy:
- 45 (A) prohibiting the disclosure of the list to commercial entities
 46 for commercial purposes; or

1 (B) specifying the classes or categories of commercial entities
 2 to which the list may not be disclosed or by which the list may
 3 not be used for commercial purposes.

4 A policy adopted under subdivision (3) must be uniform and may not
 5 discriminate among similarly situated commercial entities.

6 (d) Nothing contained in subsection (b) shall limit or affect the right
 7 of a person to inspect and copy a public record required or directed to
 8 be made by any statute or by any rule of a public agency.

9 (e) Notwithstanding any other law, a public record that is classified
 10 as confidential, other than a record concerning an adoption, shall be
 11 made available for inspection and copying seventy-five (75) years after
 12 the creation of that record.

13 (f) Notwithstanding subsection (e) and section 7 of this chapter:

14 (1) public records subject to IC 5-15 may be destroyed only in
 15 accordance with record retention schedules under IC 5-15; or

16 (2) public records not subject to IC 5-15 may be destroyed in the
 17 ordinary course of business."

18 Page 48, between lines 21 and 22, begin a new paragraph and insert:

19 "SECTION 69. IC 34-24-3-1 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) If a person
 21 suffers a pecuniary loss as a result of a violation of IC 35-43,
 22 IC 35-42-3-3, IC 35-42-3-4, or IC 35-45-9, the person may bring a civil
 23 action against the person who caused the loss for the following:

24 (1) **Except as provided in subsection (b)**, an amount not to
 25 exceed three (3) times the actual damages of the person suffering
 26 the loss.

27 (2) The costs of the action.

28 (3) A reasonable attorney's fee.

29 (4) Actual travel expenses that are not otherwise reimbursed
 30 under subdivisions (1) through (3) and are incurred by the person
 31 suffering loss to:

32 (A) have the person suffering loss or an employee or agent of
 33 that person file papers and attend court proceedings related to
 34 the recovery of a judgment under this chapter; or

35 (B) provide witnesses to testify in court proceedings related to
 36 the recovery of a judgment under this chapter.

37 (5) A reasonable amount to compensate the person suffering loss
 38 for time used to:

39 (A) file papers and attend court proceedings related to the
 40 recovery of a judgment under this chapter; or

41 (B) travel to and from activities described in clause (A).

42 (6) Actual direct and indirect expenses incurred by the person
 43 suffering loss to compensate employees and agents for time used
 44 to:

45 (A) file papers and attend court proceedings related to the
 46 recovery of a judgment under this chapter; or

- 1 (B) travel to and from activities described in clause (A).
2 (7) All other reasonable costs of collection.
3 **(b) The owner of a riverboat licensed under IC 4-33, or the**
4 **owner's assignee, who suffers a pecuniary loss as the result of a**
5 **violation of IC 35-43-5-5 is entitled to the actual damages resulting**
6 **from the violation. In addition, the owner or the owner's assignee**
7 **is entitled to the amounts described in subsection (a)(2) through**
8 **(a)(7).".**
9 Renumber all SECTIONS consecutively.
(Reference is to ESB 333 as printed February 22, 2002.)

Representative Kuzman